

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSE INEZ GARCIA-ZARATE,

Defendant.

Case No. [17-cr-00609-VC-1](#)

ORDER GRANTING CONTINUANCE

Garcia-Zarate's request to continue the trial until the Supreme Court issues a ruling in *Gamble v. United States* is granted. *See Gamble v. United States*, 138 S. Ct. 2707 (2018) (granting petition for certiorari). There is a serious possibility that the Supreme Court's ruling in that case will require dismissal of the charges against Garcia-Zarate. Postponement of the trial for a few months will present no public safety concern, because the defendant will remain in custody pending trial (or pending the Supreme Court's ruling). Nor has the government articulated any realistic concern that its case against Garcia-Zarate would be weakened by a delay of a few months, or that the delay would otherwise harm the public interest. For all these reasons, the ends of justice served by continuing the trial outweigh any interest in proceeding to trial immediately. *See* 18 U.S.C. § 3161(h)(7); *United States v. Martin*, 742 F.2d 512 (9th Cir. 1984).

IT IS SO ORDERED.

Dated: August 24, 2018



VINCE CHHABRIA
United States District Judge